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ABSTRACT

This document consists of 12 short advisories that address commonly asked questions about minimum faculty qualifications in California community colleges. Advisory Number 1 addresses three issues: teaching in a minor, teaching counseling courses, and grandfathering of State Board of Education Credentials. Advisory 2 explains Assembly Bill (AB) 770's provisions reopening the credentialling window for selected employees and offers an interpretation of the Education Code's "bachelor's for tenure" provision. Advisory 3 offers a definition of "eminence" for determining equivalency, discusses required degrees for vocational faculty, and considers administrator training or experience requirements. Advisory 4 focuses on disciplines not on statewide lists, minimum qualifications for learning assistance, and equivalency issues. Advisory 5 explains who may teach English as a Second Language, special coursework requirements, and the evaluation of foreign degrees. Advisory 6 summarizes district equivalency processes and criteria, part-time faculty issues, and other equivalency issues. Advisory 7 deals with equivalency for administrators and the effect of changes in discipline lists on current employees. Advisory 8 addresses issues confined to vocational or "non-master's" faculty. Advisory 9 explains legislative requirements regarding the accreditation status of the institutions awarding the degrees or units being used to satisfy minimum qualifications, and lists recognized accreditation agencies. Advisory 10 presents the Chancellor's Office's answers to questions from the field on minimum qualifications, equivalencies, and related issues. Advisory 11 summarizes the changes to minimum qualifications contained in Title 5 amendments and new discipline lists. Finally, advisory 12 addresses individual departments' or divisions' authority to adopt a "no equivalency" stance; the verification of professional experience; and the classification of "Human Services" programs. (ECC)

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Minimum Qualifications
ADVISORIES

from

"Human Resources Communique"

Numbers 1-12, September 1991-May 1994

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ADVISORY NUMBER 1

MINIMUM QUALIFICATIONS

The Minimum Qualifications unit, under the direction of Dean Allan Petersen, plans to issue advisories occasionally to inform districts about our responses to some of the many questions we receive. In this first advisory, we deal with three issues that have recently come up in specific cases.

Teaching in a Minor

The following questions were raised: Does a credential-holder still have the right to teach in a minor subject? Does a person hired under minimum qualifications also have this right? Does the local governing board still have to adopt an annual authorizing resolution? Could a permanent equivalency be granted that would end the need for annual resolutions?

Under *Education Code* Section (ECS) 87355, persons authorized to serve in a community college under a credential, retain the right to serve under the terms of that credential. The terms of the community college instructor credential were defined by former ECS 87277, now repealed. That section authorized the credential holder to teach courses in a subject matter area in which he or she has completed a minor, as long as the district governing board specifically authorizes the assignment by a resolution which may be renewed annually. The holder of such a credential therefore retains the right to teach in a minor, but the requirement for a yearly authorizing resolution from the governing board also continues in effect.

(A minor was defined in former Title 5 Section 52014 as 24 semester units, including at least 12 in upper division or graduate courses.)

There is no authorization presently in law for a person hired under the new system of minimum qualifications to teach courses in a minor area.

Authorization to teach in a minor is not the same as an equivalency determination. The equivalency process applies only to persons qualifying under the new system of minimum qualifications. It should determine that the candidate has qualifications "at least equivalent to the minimum qualifications specified in regulations of the Board of Governors"; whereas the authorization to teach in a "minor" implies the acceptance of a lesser standard for a limited period. However, under ECS 70902(d), which permits local governing boards to delegate any responsibilities that are not expressly nondelegable by law, a district governing board could assign the responsibility of considering authorizations to teach in a minor to an equivalency committee. The requirement for annual reconsideration would continue. The delegating action by the governing board should prescribe the conditions of the delegation, including any limitations.

Teaching Counseling Courses

The question was asked: Since the community college counselor credential did not authorize a person to teach, we always had our counselors obtain an instructor credential in psychology in order to teach "counseling courses," such as College Success Skills, Orientation to College, Career Exploration, and so forth. Since the new minimum qualifications for "psychology" on the disciplines list specify a master's or a bachelor's in psychology, some counselors cannot meet this standard. Does meeting the "counseling" requirements on the disciplines list entitle them to teach courses?

The distinction that formerly existed between the counseling credential and the instructor credential no longer exists under the minimum qualifications system. A person who is hired under the "counseling" minimum qualifications may teach any course that is appropriately categorized as within the discipline of counseling. There is no uniform statewide rule concerning what courses may be so categorized, but the examples cited in the question are reasonable and typical "counseling courses."

Grandfathering of State Board of Education Credentials

A person holding a Standard Designated Teaching Credential issued in 1969 by the State Board of Education, which authorized instruction of a particular vocational subject in grades 13 and 14, asserted that he had been told by several colleges that his credential was no longer valid, and had not been allowed to apply for teaching positions in his subject.

Pursuant to ECS 87355, every person authorized to serve in a community college under a credential, retains the right to serve under the terms of that credential, until its expiration. This includes not only credentials issued by the Board of Governors, but also credentials which authorized community college service issued by the State Board of Education or the Commission on Teacher Preparation and Licensing. Such credentials were themselves "grandfathered" by former ECS 87255, adopted in 1970. "Grades 13 and 14" means community college service. Therefore, holders of such credentials must be considered as meeting the statewide minimum qualifications to teach the subject(s) or perform the services authorized by their credential. This does not mean that they will meet all qualifications established by a district for a particular job; however, districts may not legally establish the new statewide minimum qualifications as local qualifications for the purpose of excluding credential holders.

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ADVISORY NUMBER 2

MINIMUM QUALIFICATIONS

Two bills recently passed by the Legislature and signed by the Governor affect minimum qualifications/credentials. They are AB 770, discussed below, and SB 9 (see "New Sstandards for Faculty Interns," p. 2). Also, an interpretation has been made of ambiguous language in statute regarding the bachelor's-for-tenure requirement.

Credential Reapplication Window

Assembly Bill 770, signed into law on October 13, includes the following provision:

"The board of governors may accept and either approve or deny the credential application of any qualified individual who can demonstrate proof that he or she submitted a completed credential application to a community college prior to July 1, 1990, but whose credential application was not received by the board of governors prior to that date. Any credential applicant who meets the requirements of this subdivision shall resubmit his or her application directly to the board of governors prior to January 15, 1992. The board of governors may accept and either approve or deny only those credential applications submitted in accordance with this subdivision that are received by the board of governors prior to January 15, 1992."

While the bill does not take effect until January 1, the Minimum Qualifications unit will immediately start accepting applications from persons who meet the criteria described above. Each such application must be accompanied by a certification, signed by the district's chief personnel or human resources administrator (not a technician or assistant), affirming that a completed application was received at the college or district office prior to July 1, 1990. No additional subject endorsements or additional types of credentials may be added to the original application as it was submitted prior to July 1, 1990.

We request that you assist us by notifying any persons you know to be in the covered category of their opportunity to reapply. You should advise such persons that not only the application itself, but all necessary supporting documentation and fees must be received by the Minimum Qualifications unit, California Community Colleges, 1107 Ninth Street, Sacramento, CA 95814 by January 15, 1992 in order for us to consider the application. (The fingerprint search fee has been raised by the Department of Justice to $27.) Additional application forms, if needed, may be obtained from Judy Frith at (916) 445-2392.

Bachelor's for Tenure

Education Code Section 87615 states that "the minimum degree requirement for tenure as a community college faculty member shall be a bachelor's degree," and that this requirement takes effect for vocational faculty on January 1, 1994. The question arose whether the requirement was intended to apply to vocational faculty whose tenure decision occurs after the specified date, or whose initial hire is after the specified date. Research into the intent behind the original conception of this provision shows that it was probably intended to delay the implementation of the requirement for three and a half years in order to give time for the vocational education community to "spread the word," and time for the Board of Governors to restudy the appropriateness of the requirement. If it applied to all whose tenure decision comes up in 1994, it would not provide any effective delay, as vocational instructors hired today would come under the new requirement.

In a meeting of the "Council of Organizations" with Chancellor's Office General Counsel Tom Nussbaum, on September 9, the interpretation of this section was discussed in light of the original intent, and consensus was reached that the bachelor's for tenure should be understood to apply to vocational faculty hired after the date specified in law. In addition, that date will be pushed back a year by "cleanup" legislation the Chancellor's Office will sponsor, to January 1, 1995. This will maintain the three-and-a-half year interval between the effective date for vocational faculty and the effective date of the section as a whole, which was delayed until July 1, 1991 because of the "funding trigger" mechanism built into AB 1725.

Some districts, following a contrary interpretation, may already have hired vocational instructors on condition that they obtain a bachelor's before they can become permanent. If such a hire includes a written agreement, the district may require the employee to honor it, since it is possible for districts to set standards more rigorous than statewide minimums. However, it is the position of the Chancellor's Office that state law does not require the bachelor's for tenure of vocational faculty whose initial hire date is prior to January 1, 1994 (to be changed to 1995).

ADVISORY NUMBER 3

MINIMUM QUALIFICATIONS

The Academic Senate has announced a schedule for reviewing the disciplines lists and other aspects of faculty qualifications. It will request suggestions from colleges starting this spring, and accept input until its Fall 1992 conference. By its Spring 1993 conference, the Senate expects to have all its recommendations ready for the three-year Board of Governors review which should be completed by June 30, 1993. The Senate's work will be coordinated with the work of the Chancellor's Office and the representative group of community college faculty, administrators, students and trustees it is required, by *Education Code* Section 87357, to convene. It is hoped that this review work over the next year and a half will help answer some of the big questions, such as the permissible boundaries of "equivalency." Meanwhile, this advisory takes up a few of the little questions.

What is "Eminence"?

The Task Force on Community College Faculty and Administrator Qualifications ("AB 3409 Task Force") which, in 1987, drafted the employment reform language of AB 1725, specifically intended that the "equivalency" hiring provision would make it possible to hire "eminent" applicants, among others. Most districts will probably want to put an eminence clause into their equivalency policies.

A useful definition of eminence was found in former Title 5 Section 52270, relating to the Eminence credential: "Eminence is defined as superior knowledge and skill in a subject matter field in which a community college district wishes to offer instruction. Superior knowledge and skill is to be determined in comparison with the generally accepted standard of achievement in the subject field... Determination of eminence should be based upon a conviction that the applicant, if measured by recognized authorities in his subject field, would be judged superior."

We've all heard the story that Albert Einstein couldn't qualify in our system to teach math, or Eugene O'Neill to teach drama, because they didn't hold the right advanced degrees. But, as the definition above implies, the eminent applicant needn't be a genius. Nor is eminence limited to scientific or artistic fields. There is no inherent reason why an automotive mechanic cannot be judged eminent. The key is that the applicant must have a superior reputation among authorities in his or her field. Although the college makes the determination, it is not enough that the college itself be impressed with the applicant's skill or knowledge.

The former Eminence credential was issued for whatever specific field in which the applicant had demonstrated superior accomplishments, unconstrained by the 76 standard subject areas. While the question of whether an equivalency determination may be granted for a course or group of courses narrower than an entire discipline is still unresolved, if there is any circumstance which would warrant such a practice, it would seem to be eminence.

Required Degrees for Vocational Faculty

Title 5 Section 53410 establishes that, for faculty teaching in disciplines where the master's degree is not generally expected or available, the minimum qualifications include a bachelor's or associate degree in a discipline reasonably related to the faculty member's assignment. Some colleges have recently taken note of this language and wondered whether it's something new and problematic. It is not new, but it would be problematic if we were following it.

This language was adopted by the AB 3409 Task Force and carried into AB 1725, but never closely examined until the Academic Senate prepared the disciplines lists. The Senate concluded that it was best to apply the most liberal interpretation possible. Its non-master's disciplines list, as endorsed by the Board of Governors in July 1989, included the prefatory statement: "Work experience provides the mastery of the teaching subject matter needed in the disciplines on this list. The degrees required are to ensure sufficient general education and understanding of... higher education... Therefore, the proposal here is that every discipline is reasonably related to the disciplines on this list."

Because the Board of Governors was directed by statute to adopt the exact language of AB 1725 into its regulations, Title 5 still contains the "reasonably related discipline" language for vocational faculty, but an interpretation is supported by the Senate, the Chancellor's staff, and all of those from whom we've heard in the field, that any bachelor's or associate degree should be accepted for vocational faculty, so that is the operational standard. Chancellor's staff intends to request an amendment of Section 53410 in future to change the language.

See Advisory 3, page 6

Advisory 3, continued from page 5

Required Training or Experience for Administrators

Another regulatory phrase that some people have found mysterious is in Title 5 Section 53420(b), which requires educational administrators to have "one year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment, which may, but need not be, concurrent with the required full-time service." What does this mean? Does it mean the one year of training may occur during the first year of employment: that is, on-the-job training?

No, it does not mean OJT — educational administrators must have their one year of training before hire. It is accidental language that should be disregarded. In an early version of AB 1725, the minimum qualifications for administrators included three requirements rather than two. There was a requirement for four years of successful full-time experience in education, but it was deleted toward the end of the bill's evolution. The vestigial language about concurrence in the following subparagraph was not deleted. It then carried over into Title 5, again because the Board of Governors was directed to adopt the exact language of statute. Chancellor's staff will request its removal the next time the Board revises minimum qualifications regulations.

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ADVISORY NUMBER 4

MINIMUM QUALIFICATIONS

These advisories are based on questions from the field, and the answers that have been provided by the Chancellor's Office. If your college or district has unresolved issues about minimum qualifications or equivalencies, please contact the Minimum Qualifications Unit by mail or phone.

Disciplines Not on the Statewide Lists

When the Academic Senate prepared the disciplines lists in 1989, it tried to be thorough, and it has since taken several additions for approval to the Board of Governors. Presently there are 59 disciplines or cross-references on the Master's degree disciplines list, and 136 on the non-Master's list. It is extremely unlikely that a district will discover a discipline was "missed" on the Master's list. But it is possible that something may turn up "missing" from time to time from the non-Master's list. Two recent examples are "Insurance" and "Environmental Technologies."

A district should first determine whether the course or program can reasonably be classified under any existing discipline. If the course or program is a specialization that fits under a more general heading (as, for instance, "Auto Engine Overhaul" would fit under "Auto Mechanics"), then the more general category applies. In the rare case of an occupation that is actually missing from the list, however, it is not intended that the discipline list be a straitjacket. In such a case a district may make an appointment in a field that is not listed. It should record its specific action and the reasons, and should immediately communicate the need for a new discipline listing to the chair of the statewide Academic Senate's Standards and Practices Committee, and to the Chancellor's Office Minimum Qualifications specialist.

Minimum Qualifications for Learning Assistance

Learning assistance is offered as a credit activity in most community colleges and is defined as: "Students engaged in various learning activities under the direct supervision of a credentialed instructor in a laboratory setting. Students may work with mechanical or electronic teaching devices in a class, in groups, or individually." Tutoring, by contrast, is defined in Title 5 Section 58168 as an activity involving a student peer who assists one or more other students in need of special supplemental instruction. Tutoring is reportable only for noncredit apportionment, and must take place in a supervised center.

There are no current statewide standards to define which faculty may provide learning assistance or supervise tutors. The Academic Senate, in spring 1991, endorsed a standard for a "Learning Resources Coordinator" which would require "any Master's degree," but this was never adopted by the Board of Governors. For peer tutoring, an outdated requirement still exists in Title 5 Section 58170 that the tutoring supervisor possess a Community College Supervisor Credential—which is no longer issued.

Certainly learning assistance is a field in which a Master's degree is ordinarily expected and available. But what is "the discipline of the assignment," and what disciplines are "reasonably related"? In the absence of a statewide rule, districts must determine for themselves, bearing in mind the recommendation of the Academic Senate.

A statewide standard for faculty who work in learning assistance or tutoring should be established as part of the minimum qualifications review that will take place in 1992-1993. The Chancellor's Office is considering the following standard: "The minimum qualifications for any Master's-level discipline in which learning assistance or tutoring may take place at that college." (Some counselors would not meet this definition.) This standard is proposed for both credit learning assistance and supervision of noncredit peer tutoring. It is only an early proposal; it can have no force until reviewed by the Academic Senate and adopted by the Board of Governors.

Counsel Opines on Equivalency Issues

A recent letter from General Counsel Tom Nussbaum to the Los Angeles district included informal opinions on a number of questions related to minimum qualifications. Among the points Nussbaum articulated were: 1) A district may have more stringent local requirements for full-time positions than hourly positions; 2) There is no legal bar to equivalencies for existing faculty who were hired under a credential. However, such determinations should be made using the same criteria as for new hires; 3) It is not illegal to have equivaleny policies that are more lenient or strict depending on the nature of the position being filled; 4) It is an open question as to whether an equivalency process must grant the right to teach all courses within a discipline.

A copy of the March 19 letter is available from the Legal Office at (916) 445-4826.

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ADVISORY NUMBER 5

MINIMUM QUALIFICATIONS

The Minimum Qualifications unit sometimes receives calls requesting routine information that is probably available at the local personnel office (or should be!) Please remember that staffing at the Chancellor's Office has been sharply reduced, and assist us by directing the more easily answerable questions to an appropriate personnel staff member, or to the academic senate office when appropriate. We can supply you with our "job-hunter's packet" if it would help. Meanwhile, we are glad to receive queries about those thorny points where advice is needed, and we try to answer some of them in this column.

Who May Teach ESL Courses?

Under the credentials system, an English as a Second Language (ESL) course could be legitimately considered either as an English course, or as a remedial course. Instruction of English was authorized by the Language Arts and Literature credential; remedial instruction was authorized by the Basic Education credential. Since credentials are "grandfathered" under their terms of issuance (ECS 87355), holders of these credentials remain in possession of the legal statewide qualifications to teach ESL, even though there is now a separate discipline called "ESL." Clearly, persons hired under the minimum qualifications system must meet the new ESL qualifications (or the equivalent) to teach courses classified within the ESL discipline. But credential holders retain their "grandfathering" rights. It is possible, however, that a district could have a local assignment policy that requires specific qualifications beyond the credential before an instructor may be assigned to teach ESL.

Some persons seem inclined to grant "grandfathering" to Basic Education credential holders, but not Language Arts and Literature credential holders. There is no sound basis for this. The Basic Education credential could be and often was obtained by persons who had no master's degree, a bachelor's in any subject, and no experience or knowledge of teaching ESL.

The key to the new ESL minimum qualifications, both in credit and noncredit, is the "TESL certificate." For prospective instructors who want to know where they can earn such a certificate, CATESOL (California Association of Teachers of English to Speakers of Other Languages) publishes an excellent "Directory of ESL Teacher Preparation Programs in California and Nevada," available for $5 (tax included) from Oxford Mailing Service, 12915 Telegraph Road #D, Santa Fe Springs, CA 90670, tel. (310) 946-1422. If you want to go national, a directory for the entire U.S. is available at $20 from TESOL, Inc. at 1600 Cameron St., Suite 300, Alexandria, VA 22314, tel. (703) 836-0774.

"And __ Units in __"

There are a few places in regulations—particularly, for DSPS personnel and for older adults instructors—where the language requires a certain degree, "and [a certain number of] units in [the needs of older adults, or understanding disability, etc]." The question has arisen, does this "and" mean the specified units must be over and above the courses taken for the degree? Answer: No. Wherever such language appears, the intent is that the person must have the specified coursework, whether as part of the degree or beyond it makes no difference. If there is ever a different intent (as with apprenticeship instructors), the language will make it clear.

Evaluation of Foreign Degrees

There are plenty of graduates from Banaras Hindu University, the University of Valparaiso, and so forth applying for faculty positions, and now that the credentials unit is gone, districts must make their own evaluations of the equivalency of these degrees. Some districts refer foreign degree-holders to the Credentials Evaluation Service, P.O. Box 66940, Los Angeles, CA 90066, tel. (213) 390-6276, for a written evaluation of their educational background by a commercial firm that specializes in this type of research. There is now a second commercial firm that provides this service in California. It is the Educational Records Evaluation Service (ERES), 980 Ninth St, 16th Floor, Sacramento, CA 95814, tel. (916) 449-9570. Founded several years ago by a consultant from CPEC and a consultant from the Department of Education with experience in these evaluations for their respective agencies, ERES belongs to the National Council on the Evaluation of Foreign Educational Credentials, and follows the standards approved by that body.

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ADVISORY NUMBER 6

MINIMUM QUALIFICATIONS

This advisory will be devoted to a mini-summary of a report called "Analysis of Faculty Equivalency Policies," issued by the Human Resources Division in December 1992. The full report, and a more complete executive summary, are available from Judy Frith at (916) 445-2392.

As of October, sixty-five districts had adopted equivalency policies.

Equivalency Processes

Districts use the following procedures: special committee alone determines equivalencies—35%; screening committees make determinations which are then reviewed by special committee—29%; screening committee alone determines equivalencies—23%. Some districts determine equivalencies before initial screening; others do screening first and only determine equivalencies for candidates chosen for an interview.

The average equivalency committee has five members, including one or more administrative appointees. Many policies require a unanimous or supermajority vote to grant equivalency. There are numerous different mechanisms for appeals and conflict resolution.

Not all policies mention documentation, which raises concern because documentation of the rationale for equivalency is required by law. Some examples of documentation forms are included in the report.

Equivalency Criteria

A 1989 position paper by the statewide Academic Senate has been influential in providing equivalency philosophy and conceptual definitions. The Senate also proposed a list of "evidence" equivalency applicants must provide.

Some policies mention no criteria at all, and some mention only the Senate's conceptual guidelines. But most include locally developed criteria, either specific or nonspecific. Also, 22% indicate that departments adopt criteria, and this approach may be more widespread than reflected in the policies.

All local equivalency criteria are listed in the report, arranged in categories. The types of criteria include:

- coursework equivalents for degrees;
- substitution of degrees other than those on the "disciplines list";
- substitution of experience or expertise for a master's or associate degree;
- combinations of bachelor's degree and coursework or experience;
- substitution of additional education or training for work experience in vocational fields;
- criteria for individual disciplines;
- nonspecific, broad local criteria that give wide discretion; and
- numerous other criteria.

Many districts also have "eminence" criteria, but there is no uniform definition for this term. Some policies use "eminence" in combination with other requirements.

Part-Time Faculty Issues

In some districts, a single individual such as a department chair or dean makes equivalency determinations for part-time faculty. Some districts also seem to apply different criteria to part-timers. Fourteen percent of the policies authorize equivalencies for specific courses.

Many policies provide for emergency equivalency hires, which must afterwards be confirmed through the regular process. A few problematic policies have no role for faculty in approving equivalency for part-time instructors.

Other Issues

Only one district describes a specific way of using equivalency to advance affirmative action. Policies are split as to whether equivalencies are precedential or case-by-case.

Fourteen policies address equivalence of foreign degrees or degrees from institutions that are not regionally accredited.

Numerous policies encourage setting local qualifications above the statewide minimums. These may need to be examined for conformity with new regulations. Five policies contain questionable provisions giving automatic equivalencies to holders of expired Limited Service credentials or persons who taught in a minor.

ADVISORY NUMBER 7

MINIMUM QUALIFICATIONS

Equivalency for Administrators

Equivalency is for everybody. According to Title 5 section 53430, for any position for which minimum qualifications are set by the Board of Governors—librarian, EOPS director, DSP&S personnel, etc., as well as instructor of any subject—a community college district may employ persons who are locally judged to possess qualifications equivalent to the statewide minimums.

This also applies to educational administrators (CEO's, and other supervisors or managers designated by the district governing board as having direct responsibility for supervising the operation of, or formulating policy regarding, instructional or student services). But there is an important difference. The faculty, as represented by the academic senate, are not required to have any role in developing the equivalency criteria and procedures for administrators, except for determining "retreat rights" to teaching positions (*Education Code* Section 87458). Nevertheless, intent language in AB 1725 states that, "Representatives of the faculty and other employees whose circumstances at work will be directly affected by the employment of the adminsitrator [should] participate effectively in all appropriate phases of the [hiring] process."

Recently a few colleges have asked, "Can we consider an applicant for an administrative position who has only a bachelor's degree?" The answer is yes, if the district governing board has adopted an administrator equivalency policy that permits it. While it seems unlikely that a college would wish to hire a president or chief instructional officer with less than a master's degree, it is possible that a college might wish to interview persons without a master's for jobs such as personnel officer or business manager, which are educational adminstrator positions at some districts and classified at others.

Presidents or chancellors should not act on their own to consider equivalency candidates. The responsibility to adopt criteria and procedures is assigned by law to the district governing board, and the board must either adopt the administrator equivalency policy themselves or delegate the authority to adopt it, by a formal and distinct action (ECS 70902[d]).

It is desirable to have the equivalency policy in place before a job announcement is issued. While it would be possible for the governing board to adopt an equivalency policy and take a hiring action at the same meeting, it could create a perception of unfairness if the possibility of equivalency consideration had not been stated on the job announcement; other potential candidates with equivalent qualifications might have been discouraged from applying. There is no exemption in law that allows contracted temporary administrators ("rent-a-dean's") to be exempt from MQ's or the regular equivalency process. The applicability of these rules to rent-a-dean's is a gray area that has not been tested, but anyone who thinks calling a person a "consultant" solves all legal problems should consider the recent Bill Honig trial.

The recent report on faculty equivalency policies did not cover administrator equivalencies. It appears that very few districts yet have a formal policy, but many are exploring the need. Would any districts that have formally adopted administrator equivalency policies please forward copies to the minimum qualifications specialist at the Chancellor's Office, so they may be made available to other districts searching for a model?

The New Grandfathering

The current review of the disciplines lists has evoked some anxiety about the effect of changes on persons currently employed. At the hearings, several testifiers asked, "If the discipline list changes, what will happen to the faculty member who's teaching that discipline but doesn't meet the new requirements?" One response is that it doesn't appear likely that many major restrictive changes will occur (despite the appearance of some such changes on the list of proposals). Most changes are likely to be in the direction of greater inclusiveness, rather than narrowing, of requirements; nevertheless, there could be some restrictive changes this year and in the future.

Fortunately, there is already a section of regulations that covers this ground. Title 5 section 53403 states that whenever changes in MQ's occur, either in regulations or disciplines lists, a district "may continue to employ" a person who was qualified under the previous rules. This section was adopted in June 1992 as part of the noncredit minimum qualifications package, but it is applicable across the board, not just to noncredit instructors.

Note, however, the significant difference between this grandfathering provision and Education Code Section 87355, which grandfathers credential holders. Credential holders "retain the right to serve" under the terms of their credential, and "shall be deemed to possess the minimum qualifications specified for every discipline or service covered by the credential." Persons grandfathered by Title 5 section 53403 do not acquire such inalienable rights. Rather, the district acquires the right (not the obligation, as for credential holders) to continue to regard them as meeting the minimum qualifications.

This means the district could modify the grandfathering rule; for instance, a district could establish a local rule that

See Minimum Qualifications, page 6

Minimum Qualifications, continued from page 5

persons whose last employment at that district was more than three years ago, for example, must meet the new minimum qualifications. (But remember, such a rule would not apply to credential-holders.) Or that "stopping out" even one term triggers the new MQ's. If no such limiting rule is adopted, perpetual grandfathering is available under the regulation. Any limiting rule should be jointly developed by the governing board and academic senate, and, although not specified in law, should probably be uniform for all academic employees of the district.

Changes in the disciplines lists will also have an effect on Faculty Service Areas (FSA's), which apply in layoff situations. While the statutory language is not completely consistent, it appears at least that the person who previously had an FSA but has not taught in the discipline (and thus has no grandfathering protection under Title 5), does not retain FSA rights if he or she does not meet the revised MQ's. What happens to the instructor who has taught in the discipline is less certain.

ADVISORY NUMBER 8

MINIMUM QUALIFICATIONS

Several issues have surfaced recently that are confined to vocational or "non-master's" faculty. This edition of the advisory is devoted to those issues.

Bachelor's-for-Tenure Heats Up

A survey asking for six years' data on full-time faculty hired with less than a bachelor's degree recently was sent by the Chancellor's Office to district human resources directors. This will be part of a mandated report for the Board of Governors and ultimately, the Legislature, on what should be done with the bachelor's-for-tenure requirement (ECS 87615): should it be continued, repealed, or modified?

This "sleeper" issue (the requirement does not take effect until January 1, 1994 or 1995 depending on interpretation) recently heated up when the California Federation of Teachers sponsored a bill, which was also supported by the California Teachers Association, to immediately repeal ECS 87615. The bill failed to pass out of its first committee, because legislators wanted to await the Board of Governors' report. However, several legislators and Board members have already expressed strong misgivings about the law.

Besides the survey, the report could include conferring with CSU on the availability of the Bachelor's in Vocational Education (BVE) degree, checking on tenure practices in other states, analyzing existing data on faculty — and receiving views from the field. Administrators, vocational faculty, and others with an interest are invited to write to Charlie Klein, Specialist in Minimum Qualifications and Employment Issues. Please get your comments in by July 1.

Meanwhile, the Chancellor's Office is sponsoring technical legislation (AB 46, Archie-Hudson) to codify our interpretation that the requirement actually applies only to those hired on or after January 1, 1995.

New Apprenticeship MQ's Delayed

Separate MQ's for apprenticeship instructors are specified in Title 5, section 53413. This section says that, starting July 1, 1993, credit apprenticeship faculty must have 18 units of degree-applicable college coursework.

Because of a quirk in the Education Code, apprenticeship instructors are the only faculty group for whom the Board of Governors is supposed to take its primary advice and judgment directly from disciplinary faculty and labor representatives, rather than the Academic Senate. Several representatives of apprenticeship faculty and apprenticeship coordinating councils asked that the July 1, 1993 implementation date for the new MQ's be pushed back to July 1, 1995. Although other vocational faculty are required to have an associate degree or equivalent, the Chancellor's Office has agreed to the two-year delay, and there is no known opposition. According to one apprenticeship program director, this will give time for younger journey-level apprentice program graduates to obtain the needed college units, and will help diversity recruitment.

Although there will be a brief time gap between the effective date of the 18-unit requirement and the effective date of the amendment to delay it, with the awareness that an unopposed amendment is in process, districts should be able to hire without fear of violation.

Does Teaching Experience Count?

Current MQ regulations require two or six years of "professional experience" for vocational faculty, but do not say whether teaching experience is applicable. Under the credentials system, teaching experience generally was not counted except to satisfy a recency requirement. The Chancellor's Office confered with the Academic Senate's Vocational Education Committee on clarification of the new regs, and on their advice, has included language that would indicate that teaching experience does count under the MQ system, except for certain patterns under the "older adults" and "short-term vocational" categories in noncredit instruction, where "occupational experience" rather than "professional experience" is specified.

Identifying Required Licensure

Another clarification is proposed for the language relating to licensure. The current regulation requires "appropriate certification to practice or licensure or its equivalent, if available." Questions had arisen about whether the license had to be valid in California, and who is actually required to hold a license; and after trying out a few alternatives, the Chancellor's Office has now put forth language requiring "current, valid California certification or license to practice, whenever the instructor's possession of such certification or license is required for program or course approval, or when current occupational certification is essential for effective instruction."

The Chancellor's Office will work with the Senate to identify in the disciplines list, in future, the required licenses or certificates, and their issuing agencies, associated with specific disciplines.

ADVISORY NUMBER 9

MINIMUM QUALIFICATIONS

A new Section 53406 has been added to Title 5 that specifies that all degrees and units used to satisfy minimum qualifications must be from institutions accredited by an accreditation agency recognized by the U.S. Department of Education or the Council on Postsecondary Education. Several personnel officers have asked for an explanation.

Accreditation vs. Approval

California is unusual in granting State "approval" to non-accredited institutions. Such approval, formerly granted by the State Department of Education, is now under the aegis of the Council for Private Postsecondary and Vocational Education. Degrees and credits from approved but unaccredited institutions were not accepted for credentials purposes, and are not acceptable for minimum qualifications purposes.

This does not mean, however, that only units from regionally accredited colleges are acceptable. There are three basic types of accreditation—regional, national, and specialized (programmatic)—and while the first is overwhelmingly dominant, applicants from institutions or programs with either of the other types may meet MQ's.

The U.S. Department of Education presently recognizes more than 100 accreditation entities. That number will be reduced soon because of changes made by Congress. The following list is selected for reasons of space, but includes those that are likely to be seen by a community college screening committee. Districts are advised to contact the Minimum Qualifications specialist in unusual cases.

Recognized Accreditation Agencies

Regional: New England Assn of Schools & Colleges, Southern Assn of Colleges & Schools, Northwest Assn of Schools & Colleges, North Central Assn of Colleges & Schools, Western Assn of Schools & Colleges, Middle States Assn of Colleges & Schools.

Allied Health: Accrediting Bureau of Health Education Schools; American Medical Association (in cooperation with special review committees for Cytotechnology, Diagnostic Medical Sonography, Electroneurodiagnostic Technology, Emergency Medical Services, Histologic Technology, Medical Assistant Education, Medical Laboratory Technician Education, Medical Record Education, Medical Technology, Nuclear Medicine Technology, Occupational Therapy, Ophthalmic Medical Assistant Education, Perfusion, Physician Assistant Education, Radiologic Technology, Respiratory Therapy, & Surgical Technology).

Architecture: National Architectural Accrediting Board.

Art: National Assn of Schools of Art & Design.

Business: American Assembly of Collegiate Schools of Business; Assn of Independent Colleges & Schools; Assn of Collegiate Business Schools & Programs.

Computer Sciences: Computing Science Accreditation Board.

Construction Education: American Council for Construction Education.

Cosmetology: National Accrediting Commission of Cosmetology Arts & Sciences.

Culinary Arts: American Culinary Federation Educational Institute.

Dance: National Assn of Schools of Dance.

Dental & Dental Auxiliary Programs: American Dental Assn.

Dietetics: American Dietetic Assn.

Engineering: Accreditation Board for Engineering & Technology.

Forestry: Society of American Foresters.

Funeral Service Education: American Board of Funeral Service Education.

Industrial Technology: National Assn of Industrial Technology.

Interior Design: Foundation for Interior Design Education Research.

Journalism & Mass Communications: Accrediting Council on Education in Journalism & Mass Communications.

Landscape Architecture: American Society of Landscape Architects.

Law: American Bar Assn.

Librarianship: American Library Assn.

Marriage & Family Therapy: American Assn. for Marriage & Family Therapy.

Music: National Assn of Schools of Music.

Nursing: American Assn of Nurse Anesthetists; American College of Nurse-Midwives; National League for Nursing.

Occupational, Trade & Technical Education: Career College Assn (formerly National Assn of Trade & Technical Schools).

Physical Therapy: American Physical Therapy Assn.

Psychology: American Psychological Assn.

Public Health: Council on Education for Public Health.

Social Work: Council on Social Work Education.

Speech Pathology & Audiology: American Speech-Language-Hearing Assn.

Theater: National Assn of Schools of Theatre.

Veterinary Medicine: American Veterinary Medical Assn.

ADVISORY NUMBER 10

MINIMUM QUALIFICATIONS

This column provides answers the Chancellor's Office has given to questions from the field on minimum qualifications, equivalencies, and related issues.

Qualifications for Exchange Personnel

Sometimes a college may host a visiting or exchange faculty member from another country or state for a term or a year. Such persons have always been required to have an authorizing credential; however, formerly, colleges could obtain an Eminence credential or a one-year Provisional credential on their behalf in order to bypass the paperwork of getting a regular Instructor credential for the honored guest. In one district, the question arose of whether Fulbright exchange teachers could be exempted from the new minimum qualifications rules.

The answer is no; Education Code Section 87422 requires that exchange instructors either possess an authorizing credential, meet the statewide minimum qualifications, or be approved as "equivalent." For faculty visiting from other countries, this could mean the expense of having their transcripts reviewed by a foreign credentials evaluation service, depending on the district's policy, plus the chore of filling out an equivalency petition; however, it would be possible to write into the local equivalency policy, if senate and board agree that it is appropriate, a clause providing that persons chosen for the Fulbright exchange program shall be deemed to possess equivalent qualifications in their discipline.

The "Special Education" Credential

The question arose, "What does an Instructor credential in Special Education (Handicapped) entitle you to teach?" The answer is, probably nothing. This credential authorized special instruction of students with disabilities until 1986, when the Board of Governors, acting in response to a Senate bill sponsored by disabled students program personnel, who saw a need for more specific requirements, created the Handicapped Student Programs and Services Instructor and Service Credential. Six specializations were recognized for the new HSP&S credential.

Unfortunately, the "Special Education" heading was not struck off the list of available Instructor credential subject areas at that time; instead, the Credentials unit added the somewhat mystifying note that it did not authorize instruction of handicapped students. (It could authorize instruction of non-disabled students learning about special education, but there is a negligible amount of such instruction in our system.) Thus, a person may have obtained a Special Education credential after 1986, but it carries no useful authorization. Even such a credential obtained before 1986 may not be of any value.

In former Education Code Section (ECS) 78600.5, the Legislature adopted a more restrictive than usual grandfathering rule: to be exempt from the new, higher requirements of the HSP&S credential, a person had to be currently employed, and have been employed for three consecutive years, in an HSP&S (now called DSP&S) program. The Chancellor's Office was also given the power to issue waivers for persons with equivalent experience or for other reasons. The DSP&S unit in the Chancellor's Office issued these waivers.

So even though the Special Education credential once authorized instruction of disabled students, and other credentials are grandfathered according to their terms of issuance, this one is not, because it was replaced prior to AB 1725 with a narrower grandfathering clause. It is only valid if the holder has a waiver certificate from the Chancellor's Office DSP&S unit; but if he or she has three years of experience, the former grandfathering language suggests the local equivalency committee could determine equivalency on that basis. It is not obligated to do so.

Tenure Upon Entrance

Granting tenure upon entrance to distinguished faculty or administrators is not uncommon in universities. (For an administrator, the tenure is in a teaching position, not the administrative position.) It is argued that such persons will not change their employment without a tenure guarantee. Nevertheless, the practice is not legal in our community college system.

ECS 87605 provides that a first-year faculty member shall be probationary. ECS 87458 provides that an administrator whose administrative assignment is terminated has the right to become a probationary faculty member, provided he or she has had two years of satisfactory service and is judged to meet minimum qualifications. There are no exceptions that allow a distinguished individual to be hired with tenure upon entrance, and the administrator's service as an administrator no longer counts toward faculty tenure. However, pursuant to ECS 87608, a district board may grant tenure as early as the end of the first year of teaching employment.

Correction

Advisory number 9 said that degrees and units must be from institutions accredited by an accreditation agency recognized by the U.S. Department of Education or the Council on Postsecondary Education. Make that the Council on Postsecondary Accreditation, a Washington, D.C. organization. But C.O.P.A. recently went defunct, so now the only effective recognition is by the U.S. government.

ADVISORY NUMBER 11

MINIMUM QUALIFICATIONS

The first review of the minimum qualifications system culminated in September 1993, when the Board of Governors adopted amendments to Title 5 and the disciplines lists. A new edition of the booklet "Minimum Qualifications for Faculty and Administrators in California Community Colleges" is now available. But for those who don't enjoy legalese, this advisory will summarize the changes.

Disciplines Lists

The disciplines lists have been incorporated by reference into Title 5 (Section 53407), giving them the force of law, but at the same time their purpose has been limited to a) establishing a working definition of the term "discipline"; b) defining which disciplines are "reasonably related" to others; c) delineating the disciplines for which a master's degree is expected.

Within the disciplines lists themselves, changes have not been major. The most controversial proposals—to establish new disciplines of Basic Skills and Developmental Mathematics, to separate the discipline of Physics/Astronomy into Physics and Astronomy, and to create a separate discipline of Art History—were not adopted by the Academic Senate. A new discipline of "Physical Sciences" has been listed. "Photography" now has its own qualifications defined, rather than referring to Art. Additional related master's degrees has been added for Child Development, Family and Consumer Studies/Home Economics, Nutritional Science/Dietetics, and Sociology. Reading has been clarified to require 12 units of specific coursework, and Interdisciplinary Studies has been clarified to require some coursework in each constituent discipline. On the non-master's list, these new disciplines have been added: Athletic Training, Court Interpreting, Folk Dance, Insurance, Marine Engine Technology, and Small Business Development. Also, name changes or consolidation of existing disciplines have created Broadcasting Technology, Environmental Technologies, and Health Information Technology.

Definitional Changes

The grandfathering section (53403) that was adopted in 1992 (see advisory #7) has been expanded to echo the language of the Education Code in grandfathering credential holders; but a clause has been added that a credential shall be "invalid" when the holder has been convicted of certain sex or drug offenses or when it is determined the credential was obtained by fraud. This clause is an effort to address specific cases that have pointed out the problem of no longer having any legal mechanism to revoke a credential.

Section 53404, defining required experience, draws a distinction between "professional experience," which includes teaching, and "occupational experience," which does not. "Professional experience" applies to all credit instructors. "Occupational experience" is used for some, but not all, of the noncredit categories in Section 53412 and the sections on DSP&S and apprenticeship instructors. Also, some language intended mainly to address a problem in athletic coaching has been added. It allows a season to be considered a "year."

A number of people have noticed the removal of the phrase "from an accredited institution" from many places in the MQ regulations. This is because all such references were consolidated in new Section 53406 (see advisory #9). Note also that this section says that determination of the equivalency of foreign degrees shall be according to local rule.

Section 53417 makes possession of a current, valid occupational certificate or license an MQ whenever it is required for program approval (as in the health occupations) or when it is essential for effective instruction (as might be determined, for example, in aircraft mechanics). The Human Resources unit will prepare, with the help of the Academic Senate's Vocational Education Committee, a list of all occupational certificates that might be applicable to California community college instructors.

An ambiguous clause in Section 53420 on administrator MQ's, which appeared to imply that required experience could be gained concurrently with employment, has been deleted (see advisory #3).

New Minimum Qualifications

New Sections 53411, 53415, and 53416 establish MQ's for coordinators of health services, learning assistance or tutoring, and work experience education. A person with "overall responsibility for developing and directing student health services" is required to have specific master's-level MQ's and is faculty, but other health personnel could be faculty or classified.

A learning assistance or tutoring coordinator may hold the MQ's for any academic discipline in which learning assistance is provided at the college, or may hold a master's in an educational specialization. A work experience coordinator may hold the MQ's for any discipline in which work experience is provided.

Topics for Next Review

The Academic Senate has already devised a schedule, a form, and a set of groundrules for the next disciplines lists review, to start with a notice one year from now. There will also be another review of the MQ regulations, and both should culminate in June 1996.

Issues that might be included in the next review include: a) Should we create a third list for disciplines in which a bachelor's in a related field is the generally expected minimum? b) Can we adopt operational definitions of "master's degree in" and "emphasis in" to give some statewide comparability of treatment? c) Should we reconsider the value of coursework in teaching methods for vocational faculty, or all faculty?

ADVISORY NUMBER 12

MINIMUM QUALIFICATIONS

A compilation of the first eleven of these "Minimum Qualifications Advisories" was recently prepared for a breakout session at the Chancellor's Office spring conference. If you weren't able to be there in person, but are a follower of this column, you may be interested to learn that the compilation is available from Judy Frith at (916) 445-2914.

"No Equivalencies Accepted Here"

Could faculty of a particular department or division decide not to accept any equivalency applications for their area? The answer depends on circumstances. The district itself is not required to accept equivalency applications—equivalency hiring is permissive, not mandatory, under law—but 69 of the 71 districts have now adopted policies. (In the remaining two, policies are being held up by governance disagreements.) However, when a policy is adopted, it must be by agreement between the district academic senate and the district governing board, and its provisions bind all divisions in the district.

This means that, if the policy outlines the procedures and criteria under which equivalency applications will be considered in that district, no segment of the faculty may choose to bar equivalency claims. However, it would be possible to adopt a policy that specifically allows individual departments or selection committees to decline to accept equivalencies. A few districts have done so. The key point is that this decision is legally the responsibility of the board and the senate as a whole.

The Chancellor's Office views a blanket "no equivalency" stance as unwise. The minimum equivalency cases that every selection committee ought to consider, just to compensate for the prescriptiveness of our MQ system, are those of the person who has completed all degree requirements without formally receiving the degree for some reason, and the person whose degree is the same in substance, but called by some other name than the ones on the disciplines list.

Beyond that, disallowing equivalencies could create various problems: a problem of interdivisional (or intercampus) equity, a possible problem in making affirmative action progress, but most of all, a problem of a division's having eliminated its ability to consider that one unusual future applicant it may very well want to consider. Once a "no equivalency" policy is adopted, faculty cannot turn around and waive the policy for one applicant. So think well before locking the door of flexibility.

Verifying Professional Experience

Section 53404 of Title 5 says that, for non-master's degree disciplines where experience is required, "unpaid experience may be counted if it entailed responsibilities substantially similar to those of relevant paid positions in the field." This was inserted to provide flexibility for a few disciplines, such as stagecraft, where a good deal of professional-quality unpaid experience occurs. An individual claimed to meet the MQ's for Computer Information Systems based on the fact that she had years of experience working with her home computer, which friends could verify. Is this legitimate?

It is the intent of the law that the burden be on the applicant to verify professional experience to the satisfaction of the district. The practice of the former Credentials Unit was generally to require verification to be on letterhead stationery, but in some circumstances, such as volunteer work, non-letterhead letters were accepted. However, all verification letters had to specify the percentage of time worked and the duration of the work (in order to calculate the full-time equivalent), and had to specify the nature of the work performed sufficiently so that a certification officer was able to judge that it was indeed comparable to paid work in the field. Letters from friends simply attesting to a person's computer expertise would not have been accepted. It is suggested that districts follow the same standard.

Another issue is recency of experience. The former credentials regulations included a recency requirement; the minimum qualifications regulations do not. This may be a matter for consideration during the next comprehensive MQ review. In the meanwhile, it would not seem inappropriate for a district to adopt a recency requirement of its own, especially for certain fields such as computers, as long as it exercises caution about adverse impact on underrepresented groups and follows the requirements of the affirmative action regulations, Sections 53022 and 53023.

Human Services

"Human Services" is a rubric that may include training for developmental disabilities care providers, people who work as paraprofessionals in alcohol and drug treatment or recovery programs, and other types of helping occupations. Under the credentials system, these sorts of work were thought to be done by "social work aides" and the instruction was authorized by the Public Services and Administration credential. The contemporary Human Services "discipline" does not have a clear identity: it seems to share some elements with Counseling, Public Administration, Psychology, perhaps Gerontology, yet is not identical to any of these. During the last disciplines list review, a listing for Human Services was discussed. But because representatives could not decide whether it is really a master's-level or a non-master's discipline, it still does not appear on either list.

A college that has a Human Services program should classify the courses within that program, for minimum qualifications purposes, according to the closest applicable discipline heading(s). Another approach, as explained in Advisory Number 4, is to designate a Human Services discipline locally and notify the statewide Senate and the Chancellor's Office of the action so we may try to follow up with an appropriate discipline listing in the next review.